

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
NORTHEASTERN DIVISION

NATHANIEL BARNES, JR.,

Plaintiff,

vs

LT. W. R. BUSH,  
CITY OF BIRMINGHAM, AND  
BIRMINGHAM FIRE DEPARTMENT,

Defendants.

CIVIL ACTION NO. 94-S-2254-NE

*[Handwritten signature]*

**ENTERED**

MAR 26 1997

MEMORANDUM OF OPINION

The court has considered the entire file in this action together with the Magistrate Judge's Report and Recommendation and has reached an independent conclusion that the Magistrate Judge's Report and Recommendation is due to be adopted and approved. The court hereby adopts and approves the findings and recommendation of the Magistrate Judge as the findings and conclusions of the court. In accord with the recommendation, the defendants' motion for summary judgment is due to be granted and this complaint is due to be dismissed. An appropriate order will be entered.

DONE, this 26<sup>th</sup> day of March, 1997.

*[Handwritten signature of C. Woodward Smith, Jr.]*

C. WOODWARD SMITH, JR.,  
UNITED STATES DISTRICT JUDGE

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